

**THE REVISED SCHOOL CODE (EXCERPT)**

**Act 451 of 1976**

**PART 15**

**SCHOOL DISTRICTS; POWERS AND DUTIES GENERALLY**

**380.1131 Provisions governing school districts.**

Sec. 1131. Each school district is subject to and governed by this article except as to those matters which are specifically or by necessary implication provided for a first class school district under part 6, and by articles 3 and 4. An intermediate school district is governed by the provisions of this article that relate specifically to intermediate school districts and by articles 3 and 4.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

**380.1132 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to powers, duties, obligations, and liabilities of a school district as body corporate.

**Popular name:** Act 451

**380.1133 Commencement of fiscal school year.**

Sec. 1133. The fiscal school year of a local school district or an intermediate school district commences on July 1.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.1134 Definitions; tagging record of missing student; removal of tag.**

Sec. 1134. (1) As used in this section and section 1135:

(a) "Local school district" means a local school district or local act school district that requires records to be compiled for each student in the district.

(b) "Intermediate school district" means an intermediate school district that serves a student who does not have a record at the local school district, but does have a record at the intermediate school district.

(2) Upon notification by a law enforcement agency pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, that a student less than 17 years of age is missing, a local school district or intermediate school district shall tag the record of the missing student in a manner that will alert the local or intermediate school district to the fact that the record is that of a missing person.

(3) Upon notification by a law enforcement agency pursuant to section 8 of Act No. 319 of the Public Acts of 1968 that the information entered into the law enforcement information network regarding a missing student has been canceled, the local or intermediate school district shall remove the tag from the student's school record not later than 7 days after receiving the notice from the law enforcement agency.

(4) The local or intermediate school district shall remove the tag on a missing student's school record as soon as possible after the student becomes 18 years of age.

**History:** Add. 1987, Act 84, Imd. Eff. June 29, 1987.

**Popular name:** Act 451

**380.1135 Proof of identity and age; notice of noncompliance; investigation; reporting inaccurate or suspicious affidavit; school record of transfer student; compliance; effect of tagged record; confidentiality.**

Sec. 1135. (1) Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following:

(a) A certified copy of the student's birth certificate.

(b) Other reliable proof, as determined by the school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.

(2) If a person enrolling a student fails to comply with subsection (1), the local or intermediate school district shall notify the person enrolling the student in writing that, unless he or she complies within 30 days after the notification, the case shall be referred to the local law enforcement agency for investigation. If the person enrolling the student fails to comply within that 30-day period, the local or intermediate school district shall notify the local law enforcement agency.

(3) The local or intermediate school district shall immediately report to the local law enforcement agency any affidavit received pursuant to this section that appears inaccurate or suspicious in form or content.

(4) Within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request unless the record has been tagged pursuant to section 1134. If a student record has been tagged pursuant to section 1134, a copy of the student record shall not be forwarded, and the requested school shall notify the law enforcement agency that notified the school district of the missing student pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, of the request.

(5) A local or intermediate school district shall not disclose any personally identifiable information contained in a student record to a law enforcement agency, except in compliance with the family educational rights and privacy act, 20 U.S.C. 1232g.

**History:** Add. 1987, Act 84, Imd. Eff. June 29, 1987.

**Popular name:** Act 451

\*\*\*\*\* 380.1136.added THIS ADDED SECTION IS EFFECTIVE MARCH 22, 2017 \*\*\*\*\*

### **380.1136.added Protection of pupil privacy.**

Sec. 1136. (1) To protect pupil privacy, the superintendent of public instruction shall ensure that the department complies with all of the following and the state budget director shall ensure that CEPI complies with all of the following:

(a) The department or CEPI shall not sell any information that is part of a pupil's education records.

(b) Within 30 days after the effective date of this section, the department and CEPI each shall post on its website a notice of the information it collects for a pupil's education records. The notice shall include at least an inventory of all pupil data elements collected by the department or CEPI and a description of each pupil data element.

(c) At least 30 days before initiating the collection of any pupil data elements in addition to those already disclosed in the inventory under subdivision (b), the department or CEPI shall post on its website a notice of the additional pupil data elements it is proposing to collect and an explanation of the reasons for the proposal.

(d) The department or CEPI shall not disclose any information concerning a pupil that is collected or created by the department or CEPI except in accordance with a policy adopted and made publicly available by the superintendent of public instruction or state budget director, as applicable, that clearly states the criteria for the disclosure of the information.

(e) The department or CEPI shall ensure that any contract it has with a vendor that allows the vendor access to education records contains express provisions requiring the vendor to protect the privacy of education records and provides express penalties for noncompliance.

(f) If the department or CEPI provides any personally identifiable information concerning a pupil that is collected or created by the department or CEPI as part of the pupil's education records to any person other than the school district, intermediate school district, public school academy, authorizing body, preschool, or postsecondary institution in which the pupil is currently or was formerly enrolled, or the pupil's parent or legal guardian, then the department or CEPI shall, if the pupil is under 18 years of age or claimed as a dependent on a parent's or legal guardian's federal income tax return, disclose to the pupil's parent or legal guardian upon his or her written request all of the following:

(i) The specific data fields that were disclosed.

(ii) The name and contact information of each person, agency, or organization to which the information has been disclosed.

(iii) The reason for the disclosure.

(g) The department or CEPI shall disclose the information under subdivision (f) within 30 days after receiving the written request and without charge to the parent or legal guardian. If the department or CEPI considers it necessary to make redacted copies of all or part of a pupil's education records in order to protect personally identifiable information of another pupil, the department or CEPI shall not charge the parent or legal guardian for the cost of making those copies.

(2) To protect pupil privacy, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the school district, intermediate school district, or public school academy complies with all of the following, and the governing board of an authorizing body shall ensure that the authorizing body complies with all of the following:

(a) A school district, an intermediate school district, a public school academy, an educational management

organization, or an authorizing body shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of a pupil's education records. This subdivision does not apply to any of the following situations:

(i) For a pupil enrolled in a public school academy, if the public school academy has a management agreement with an educational management organization, the public school academy providing the information to that educational management organization.

(ii) Providing the information as necessary for standardized testing that measures the pupil's academic progress and achievement.

(iii) Providing the information as necessary to a person that is providing educational or educational support services to the pupil under a contract with the school district, intermediate school district, public school academy, or educational management organization.

(b) Upon written request by a pupil's parent or legal guardian, a school district, an intermediate school district, a public school academy, or an authorizing body shall disclose to the parent or legal guardian any personally identifiable information concerning the pupil that is collected or created by the school district, intermediate school district, public school academy, or authorizing body as part of the pupil's education records.

(c) Subject to the exemptions under subsection (3), if a school district, intermediate school district, public school academy, or authorizing body provides any information described in subdivision (b) to any person, agency, or organization, then the school district, intermediate school district, public school academy, or authorizing body shall disclose to the pupil's parent or legal guardian upon his or her written request all of the following:

(i) The specific information that was disclosed.

(ii) The name and contact information of each person, agency, or organization to which the information has been disclosed.

(iii) The legitimate reason that the person, agency, or organization had in obtaining the information.

(d) A school district, an intermediate school district, a public school academy, or an authorizing body shall disclose the information under subdivisions (b) and (c) within 30 days after receiving the written request and without charge to the parent or legal guardian. If the school district, intermediate school district, public school academy, or authorizing body considers it necessary to make redacted copies of all or part of a pupil's education records in order to protect personally identifiable information of another pupil, the school district, intermediate school district, public school academy, or authorizing body shall not charge the parent or legal guardian for the cost of those copies.

(3) Subsection (2)(c) does not apply to any of the following situations:

(a) A school district, intermediate school district, public school academy, or authorizing body providing the information to the department or CEPI.

(b) A school district, intermediate school district, public school academy, or authorizing body providing the information to the pupil's parent or legal guardian.

(c) A public school academy providing the information to its authorizing body or to an educational management organization with which it has a management agreement.

(d) A school district or public school academy providing the information to its intermediate school district or to another intermediate school district providing services to the school district or public school academy or its pupils pursuant to a written agreement.

(e) An intermediate school district providing the information to a school district or public school academy in which the pupil is enrolled or to a school district or public school academy for which the intermediate school district is providing services pursuant to a written agreement.

(f) An authorizing body providing the information to a public school academy in which the pupil is enrolled.

(g) Providing the information to a person, agency, or organization with written consent from the pupil's parent or legal guardian or, if the pupil is at least age 18, the pupil.

(h) Providing the information to a person, agency, or organization seeking or receiving records in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction.

(i) Providing the information as necessary for standardized testing that measures the pupil's academic progress and achievement.

(j) A school district, intermediate school district, public school academy, or authorizing body providing information that is covered by the opt-out form described in subsection (6), unless the pupil's parent or legal guardian or, if the pupil is at least age 18 or is an emancipated minor, the pupil has signed and submitted the opt-out form under subsection (6)(d).

(4) If an educational management organization receives information that is part of a pupil's education

records from any source as permitted under this section, the educational management organization shall not sell or otherwise provide the information to any other person except as provided under this section.

(5) In addition to ensuring compliance with subsection (1), the superintendent of public instruction shall ensure that the department, and the state budget director shall ensure that CEPI, complies with all other applicable privacy law.

(6) For the purposes of this section, each school district, intermediate school district, public school academy, or authorizing body shall do all of the following:

(a) Develop a list of uses for which the school district, intermediate school district, public school academy, or authorizing body commonly would disclose a pupil's directory information.

(b) Develop an opt-out form that lists all of the uses or instances under subdivision (a) and allows a parent or legal guardian to elect not to have his or her child's directory information disclosed for 1 or more of these uses.

(c) Present the opt-out form under subdivision (b) to each pupil's parent or legal guardian within the first 30 days of the school year. A school district, intermediate school district, public school academy, or authorizing body also shall make the form available to a parent or legal guardian at other times upon request.

(d) If an opt-out form under subdivision (b) is signed and submitted to the school district, intermediate school district, public school academy, or authorizing body by a pupil's parent or legal guardian, the school district, intermediate school district, public school academy, or authorizing body shall not include the pupil's directory information in any of the uses that have been opted out of in the opt-out form.

(7) If a pupil is at least age 18 or is an emancipated minor, the pupil may act on his or her own behalf under subsection (6).

(8) As used in this section:

(a) "Authorizing body" means that term as defined in part 6a, 6c, or 6e or section 1311b, as applicable.

(b) "CEPI" means the center for educational performance and information created under section 94a of the state school aid act of 1979, MCL 388.1694a.

(c) "Directory information" means that term as defined in 34 CFR 99.3.

(d) "Education records" means that term as defined in 34 CFR 99.3.

(e) "Educational management organization" means that term as defined in section 503c, 523c, or 553c, as applicable.

(f) "Management agreement" means that term as defined in section 503c, 523c, or 553c, as applicable.

(g) "Personally identifiable information" means that term as defined in 34 CFR 99.3.

**History:** Add. 2016, Act 367, Eff. Mar. 22, 2017.

**Popular name:** Act 451

### **380.1137 Powers of parents and legal guardians; policies or guidelines.**

Sec. 1137. (1) In recognition of the rights of parents and legal guardians, the board of a school district, public school academy, university school, or intermediate school district shall ensure that a parent or legal guardian responsible for the care and custody of a pupil enrolled in the school district, public school academy, university school, or intermediate school district may do all of the following:

(a) Review the curriculum, textbooks, and teaching materials of the school in which the pupil is enrolled at a reasonable time and place and in a reasonable manner.

(b) Be present, to a reasonable degree, and at reasonable times and subject to reasonable restrictions, controls, and limits, to observe instructional activity in a class or course in which the pupil is enrolled and present. As used in this subdivision, "instructional activity" does not include testing.

(2) The board of a school district, public school academy, university school, or intermediate school district may adopt reasonable policies or guidelines under this section. Those policies or guidelines shall not unreasonably prevent the exercise of the rights set forth in subsection (1) and shall not create an unreasonable obstacle to teaching or learning, or to administering or maintaining proper discipline, in a school or school program. If a board adopts policies or guidelines under this subsection, the board shall make the policies or guidelines available to the public.

**History:** Add. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1137a Release of information to parent who is subject of personal protection order; prohibition.**

Sec. 1137a. If a school district, local act school district, public school academy, intermediate school district, or nonpublic school is the holder of records pertaining to a minor pupil, if a parent of the minor pupil is prohibited by a personal protection order issued under section 2950 or 2950a of the revised judicature act of

1961, 1961 PA 236, MCL 600.2950 and 600.2950a, from having access to information in records concerning the minor pupil that will inform the parent about the minor's or other parent's address or telephone number or the other parent's employment address, and if the school district, local act school district, public school academy, intermediate school district, or nonpublic school has received a copy of the personal protection order, the school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not release that information to the parent who is subject to the personal protection order.

**History:** Add. 1999, Act 272, Eff. July 1, 2000.

**Popular name:** Act 451

### **380.1138 Pupil absent from school due to deployment or return from active duty of parent, legal guardian, or sibling; excused absence; definitions.**

Sec. 1138. (1) If a pupil is absent from school for up to 1 full school day because his or her parent, legal guardian, or sibling is a service member being deployed on or returning from active duty, or if a pupil is absent from school for up to 2 full school days if the location of the deployment or return is more than 300 miles from the pupil's home, the school officials of a public school shall consider that absence to be an excused absence. The board of a school district or intermediate school district or board of directors of a public school academy shall ensure that their attendance policy is consistent with this section.

(2) This section does not prohibit a public school from considering an absence for a reason described in subsection (1) that is longer than the number of school days prescribed in subsection (1) to be an excused absence.

(3) As used in this section:

(a) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of congress, or an order of the governor.

(b) "Armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092.

(c) "Michigan national guard" means that term as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

(d) "Service member" means a member of the armed forces, a reserve branch of the armed forces, or the Michigan national guard.

**History:** Add. 2008, Act 141, Imd. Eff. May 28, 2008.

**Popular name:** Act 451

### **380.1139 Access to high school pupil directory by armed forces recruiting representatives.**

Sec. 1139. (1) Except as otherwise provided in subsection (2), the school officials of a public high school shall provide at least the same access to the high school campus and to pupil directory information of the pupils enrolled in the high school as is provided to other entities offering educational or employment opportunities to official recruiting representatives of all of the following for the purpose of informing pupils of educational and career opportunities available in the following:

(a) The armed forces of the United States.

(b) The service academies of the armed forces of the United States.

(2) If a high school pupil or the parent or legal guardian of a high school pupil submits a signed, written request to school officials of a public high school that indicates that the pupil or the parent or legal guardian does not want the pupil's directory information to be accessible to official recruiting representatives under subsection (1), then the school officials of the high school shall not allow that access to the pupil's directory information. The governing board of the school district, intermediate school district, or public school academy operating the high school shall ensure that pupils and parents and guardians are notified of the provisions of this subsection.

(3) The school officials of a public high school shall provide any public notice required to be given under section 444 of subpart 4 of part C of the general education provisions act, title IV of Public Law 90-247, 20 U.S.C. 1232g, commonly referred to as the family educational rights and privacy act of 1974, in order to comply with this section and federal law.

(4) The school officials of a public high school may require an official recruiting representative described in subsection (1) to pay a fee, not to exceed the actual costs incurred by the high school, for copying and mailing pupil directory information under this section.

(5) An official recruiting representative who receives pupil directory information under this section shall use that information only to provide information to pupils concerning educational and career opportunities available in the armed forces of the United States or the service academies of the armed forces of the United



States. An official recruiting representative who receives pupil directory information under this section shall not release that information to a person who is not involved in recruiting pupils for the armed forces of the United States or the service academies of the armed forces of the United States.

(6) Public schools are encouraged to assign 1 or more school employees to notify male pupils age 18 or older that they are required to register for the selective service.

(7) The armed forces of the United States are encouraged to work with each other to develop and use a standardized form for requesting access to a high school campus and for requesting a time for the access.

(8) As used in this section:

(a) "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States coast guard.

(b) "Pupil directory information" means a pupil's name and address and, if it is a listed or published telephone number, the pupil's telephone number.

**History:** Add. 2002, Act 39, Imd. Eff. Mar. 12, 2002.

**Popular name:** Act 451

### **380.1140 Skilled trades training and apprenticeship programs; access to representatives of associations to provide information.**

Sec. 1140. If a school district, intermediate school district, or public school academy allows institutions of higher education access to school facilities or activities to provide information to pupils about educational, vocational, or apprenticeship opportunities, the board of the school district or intermediate school district or board of directors of the public school academy shall allow the same access to representatives of associations to provide information about skilled trades training and apprenticeship programs.

**History:** Add 2003, Act 264, Imd. Eff. Jan. 5, 2004.

**Popular name:** Act 451

### **380.1141 Property of school district exempt from taxation; exception; liability for special assessments; agreement to pay special assessments for local improvements.**

Sec. 1141. (1) The property of a school district is exempt from taxation, provisions of other acts to the contrary notwithstanding, except that property owned by the school district that is used for private purposes for more than 2 years is not exempt from taxation as long as the private use continues beyond the 2-year period.

(2) School property not being utilized primarily for public school purposes and from which income is being derived or which is being held out for income purposes at the time of final confirmation of special assessment rolls by the governing body of a city, village, or township shall be liable to the city, village, or township for special assessments attributable to the property. The property shall continue to be liable for the special assessment for a period not longer than 2 years after the property is put to a public school use. The board of a school district may enter into an agreement with a county or county agency, city, village, or township to pay special assessments for local improvements levied against school property irrespective of the use to which the property is put.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1146 Single-gender school, class, or program.**

Sec. 1146. (1) Except as otherwise provided under subsection (2) and section 475, a separate school or department shall not be kept for a person on account of race, color, or gender. This section shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil to be taught in separate places as may be considered expedient.

(2) Subject to subsection (3), the board of a school district or intermediate school district or board of directors of a public school academy may establish and maintain a school, class, or program within a school in which enrollment is limited to pupils of a single gender if the school district, intermediate school district, or public school academy makes available to pupils a substantially equal coeducational school, class, or program and a substantially equal school, class, or program for pupils of the other gender.

(3) If the board of a school district or intermediate school district or board of directors of a public school academy establishes a single-gender school, class, or program described in subsection (1), the school district, intermediate school district, or public school academy shall not require participation by any of its pupils in the single-gender school, class, or program. The board or board of directors shall ensure that participation by pupils in a single-gender school, class, or program is wholly voluntary. For the purposes of this subsection, participation by a pupil in a single-gender school, class, or program is not considered to be voluntary unless

the school district, intermediate school district, or public school academy also makes available to the pupil a substantially equal coeducational school, class, or program.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2006, Act 303, Imd. Eff. July 20, 2006.

**Popular name:** Act 451

### **380.1147 Enrollment of child in kindergarten; age; eligibility; notification.**

Sec. 1147. (1) A child who is a resident of a school district that does not provide kindergarten and who is at least 5 years of age on the first day of enrollment of the school year may attend school in a public school operated by the school district or, for a community district or a school district that does not directly operate schools on its own, in another public school located within the geographic boundaries of the school district.

(2) Subject to subsection (3), beginning with the 2015-2016 school year, a child who is at least 5 years of age on September 1 of the school year of enrollment and who resides in the school district may enroll in kindergarten in a public school operated by the school district or, for a community district or a school district that does not directly operate schools on its own, in another public school located within the geographic boundaries of the school district.

(3) If a child residing in the school district or a child eligible to enroll in and be counted in membership in the school district under section 105 or 105c of the state school aid act of 1979, MCL 388.1705 and 388.1705c, is not 5 years of age on the enrollment eligibility date specified in subsection (2), but will be 5 years of age not later than December 1 of a school year, the parent or legal guardian of that child may enroll the child in kindergarten for that school year in a public school operated by the school district or, for a community district or a school district that does not directly operate schools on its own, in another public school located within the geographic boundaries of the school district if the parent or legal guardian notifies the public school in writing that he or she intends to enroll the child in kindergarten for that school year. A public school that receives this written notification may make a recommendation to the parent or legal guardian of a child described in this subsection that the child is not ready to enroll in kindergarten due to the child's age or other factors. However, regardless of this recommendation, the parent or legal guardian retains the sole discretion to determine whether or not to enroll the child in kindergarten under this subsection.

(4) The ages prescribed in this section for a child's eligibility for enrollment in a public school also apply to a child's eligibility to enroll in a public school academy.

(5) If a public school enrolls any children in kindergarten for a school year under subsection (3), the public school shall notify the department of the number of those children enrolled by not later than December 31 of that school year.

(6) This section does not require a school district to operate a public school directly on its own.

(7) This section does not apply to a school district that does not operate a public school directly but retains a limited separate identity for purposes of section 12, 12b, 863, 903, or 947.

(8) This section does not require a school district or public school academy that does not otherwise provide kindergarten to provide kindergarten.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2012, Act 198, Imd. Eff. June 26, 2012;—Am. 2014, Act 479, Imd. Eff. Jan. 13, 2015;—Am. 2016, Act 192, Imd. Eff. June 21, 2016.

**Constitutionality:** Shared time instruction of sectarian, nonpublic school students in and of itself is not violative of the Establishment Clause of the United States Constitution even where benefits to religion appear substantial; it is only where it is clear that the program was motivated wholly by religious considerations that a conflict with the clause would exist. Snyder v Charlotte Schools, 421 Mich 517; 365 NW2d 151 (1984).

Shared time instruction clearly is not intended to benefit one or all religions; rather, the purpose is secular: to provide educational opportunities at public schools for all resident school-age children whether they attend public or religious or secular nonpublic schools. Snyder v Charlotte Schools, 421 Mich 517; 365 NW2d 151 (1984).

**Popular name:** Act 451

### **380.1147b Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to diversity of school populations.

**Popular name:** Act 451

### **380.1148 Residence of child placed in licensed home or home of relatives; admission to school; child placed in foster care; enrollment and attendance of child regardless of residence; transfer to another school.**

Sec. 1148. (1) Except as provided in section 1711 and subsection (2), a child whose parents or legal guardians are unable to provide a home for the child and who is placed in a licensed home or in a home of relatives in the school district for the purpose of securing a suitable home for the child and not for an educational purpose shall be considered a resident for education purposes of the school district where the

home in which the child is living is located. The child shall be admitted to the school in the district.

(2) If a child who is under court jurisdiction under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, is placed in foster care, a school district shall allow the child to enroll in and attend the appropriate grade in the school selected by the department of human services or a child placing agency without regard to whether or not the child is residing in that school district. If the selection results in a child transferring to another school, the child's school records shall be transferred as provided under section 1135.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2009, Act 186, Imd. Eff. Dec. 17, 2009.

**Popular name:** Act 451

### **380.1148a Parents residing in different school districts; residency of child.**

Sec. 1148a. For education purposes under this act, without regard to whether a parent or legal guardian has custody of the child, if a child's parents, or a child's parent or parents and the child's legal guardian, reside in different school districts, the child shall be considered to be a resident of a school district in which either of the child's parents resides, or in which the child's legal guardian resides. If the child meets the applicable age requirements, the child may attend school in a school district in which either of the child's parents resides, or in which the child's legal guardian resides.

**History:** Add. 1996, Act 394, Imd. Eff. Oct. 3, 1996.

**Popular name:** Act 451

### **380.1149, 380.1150 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to special assistance to certain at risk students.

**Popular name:** Act 451

### **380.1151 English as basic language of instruction; exceptions.**

Sec. 1151. (1) English shall be the basic language of instruction in the public and nonpublic schools of this state and in state institutions.

(2) Subsection (1) shall not be construed as applying to:

(a) Religious instruction in a nonpublic school given in a foreign language in addition to the regular course of study.

(b) A course of instruction in a foreign language in which the pupil acquires sufficient proficiency to be conversant in the foreign language.

(c) Bilingual instruction, as defined in section 1152, which will assist children of limited English-speaking ability to achieve reasonable efficiency in the English language.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1152 “Bilingual instruction,” “children of limited English-speaking ability,” and “in-service training” defined.**

Sec. 1152. As used in sections 1152 to 1158:

(a) “Bilingual instruction” means the use of 2 languages, 1 of which is English, as media of instruction for speaking, reading, writing, or comprehension. “Bilingual instruction” may include instruction in the history and culture of the country, territory, or geographic area associated with the language spoken by children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

(b) “Children of limited English-speaking ability” means children who have or reasonably may be expected to have difficulty performing ordinary classwork in English because their native tongue is a language other than English or because they come from a home or environment where the primary language used is a language other than English.

(c) “In-service training” means short-term or part-time training for administrators, teachers, teacher aides, paraprofessionals, or other education personnel engaged in bilingual instruction programs for children of limited English-speaking ability.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1153 Bilingual instruction program; establishment and operation.**

Sec. 1153. (1) The board of a school district may establish and operate a bilingual instruction program for children of limited English-speaking ability.



(2) A child of limited English-speaking ability residing in a district that does not have an appropriate bilingual instruction program or that is not required to have a bilingual instruction program may enroll in a bilingual instruction program in another school district.

(3) An intermediate school district may operate or contract for the operation of a bilingual program or service, and may carry children enrolled in the program in membership in the same manner as a local school district and be entitled to its proportionate share of state funds available for the program. Membership shall be calculated under rules promulgated by the state board. The intermediate school board shall consider:

(a) Whether the cost of operating an intermediate bilingual instruction-support program is justified by the number of children at each grade level who would benefit from its establishment.

(b) Whether alternative methods of providing a bilingual instruction-support program, such as visiting teachers or part-time instruction, can be provided.

(4) The state shall continue to fund programs of bilingual instruction described in this section at least at the level that instruction is funded in the 1995-1996 state fiscal year.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

**Administrative rules:** R 388.701 et seq. of the Michigan Administrative Code.

### **380.1154 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to bilingual instruction programs.

**Popular name:** Act 451

### **380.1155 Bilingual instruction program; notice of enrollment.**

Sec. 1155. (1) Prior to the placement of a child of limited English-speaking ability in a bilingual instruction program, the board of the local school district in which the child resides shall notify, by registered mail, the child's parents or legal guardian that the child is being enrolled in a bilingual instruction program. The notice shall contain a simple, nontechnical description of the purposes, method, and content of the program and shall inform the parents or guardian that they have the right to visit bilingual instruction classes in which their child is enrolled.

(2) The notice shall be written in English and in the native language of the child of limited English-speaking ability.

(3) The notice shall inform the parents or guardian that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the board of the local school district in which the child resides.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1156 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to advisory committees.

**Popular name:** Act 451

### **380.1157 In-service training programs; rules; examination of testing mechanisms.**

Sec. 1157. (1) The state board, in cooperation with intermediate school districts and local school districts, shall develop and administer a program of in-service training for bilingual instruction programs. The state board shall promulgate rules governing the conduct of and participation in the in-service training programs.

(2) The state board shall promulgate rules governing the endorsement of teachers as qualified bilingual instructors in the public schools of this state. The teacher shall meet the requirements of part 22 and shall be proficient in both the oral and written skills of the language for which the teacher is endorsed.

(3) The state board shall approve an examination or testing mechanism suitable for evaluating the proficiency in English language skills of a child of limited English-speaking ability.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**Administrative rules:** R 390.1101 et seq. of the Michigan Administrative Code.

### **380.1157a Repealed. 1993, Act 335, Imd. Eff. Dec. 31, 1993.**

**Compiler's note:** The repealed section pertained to high school credit in foreign language.

**Popular name:** Act 451

### **380.1157b High school credit in foreign language for American sign language.**

Sec. 1157b. The board of a school district may grant high school credit in a foreign language to a pupil enrolled in high school who has satisfactorily completed a high school course offered in American sign language or who has attained proficiency in American sign language outside of a public or private high school curriculum.

**History:** Add. 1987, Act 18, Imd. Eff. Apr. 24, 1987.

**Popular name:** Act 451

### **380.1158 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to duties of the state board.

**Popular name:** Act 451

### **380.1163 Gun safety instruction for elementary school pupils; model program.**

Sec. 1163. (1) Not later than August 1, 2011, the department shall develop or adopt, and shall make available to schools, 1 or more model programs for gun safety instruction for elementary school pupils. The model program shall adopt or be based on the "Eddie Eagle" gunsafe accident prevention program developed by the national rifle association.

(2) Each school district and public school academy is encouraged to adopt and implement the model gun safety instruction program developed under subsection (1) in at least grade 3 beginning in the 2011-2012 school year.

**History:** Add. 2010, Act 367, Imd. Eff. Dec. 22, 2010.

**Popular name:** Act 451

### **380.1164b African history; course content.**

Sec. 1164b. A school district or public school academy that teaches world history in a middle school or high school grade is encouraged to focus the content of instruction regarding Africa on at least 1 or more of the following kingdoms: Ghana, Mali, Songhay, Benin, Bornu, Nubia, Axum, Meroe, Monomotapa, or medieval Ethiopia, or on the Swahili coast prior to 1750. This section is not intended to prohibit or limit teaching about other areas of African history.

**History:** Add. 2008, Act 312, Imd. Eff. Dec. 18, 2008.

**Popular name:** Act 451

### **380.1165 Financial education programs.**

Sec. 1165. (1) Not later than July 1, 2002, the department shall develop or adopt, and shall make available to schools, 1 or more model programs for youth financial education. A program under this section shall be designed to incorporate financial education throughout the curriculum for grades K to 12 and shall be based on the concept of achieving financial literacy through the teaching of personal financial management skills and the basic principles involved with earning, spending, saving, borrowing, and investing.

(2) Each school district, local act school district, and public school academy is encouraged to adopt and implement the model financial education programs developed under subsection (1) or 1 or more similar financial education programs.

(3) To the extent that federal funds are available for these purposes, the department shall use those funds for grants to public schools and other measures to encourage implementation of financial education programs.

**History:** Add. 2002, Act 111, Imd. Eff. Apr. 1, 2002.

**Popular name:** Act 451

\*\*\*\*\* 380.1166 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 380.1166.amended \*\*\*\*\*

### **380.1166 Constitutions and governments; mandatory courses; commencement of instruction; exception.**

Sec. 1166. (1) In all public and nonpublic schools in this state regular courses of instruction shall be given in the constitution of the United States, in the constitution of Michigan, and in the history and present form of government of the United States, Michigan, and its political subdivisions. Instruction shall begin not later than the opening of the eighth grade, or its equivalent, except in schools maintaining a junior high school, in which case it may begin in the ninth grade.

(2) A high school in this state which offers 12 grades shall require a 1-semester course of study of 5 periods per week in civics which shall include the form and functions of the federal, state, and local

governments and shall stress the rights and responsibilities of citizens. A diploma shall not be issued by a high school to a pupil who has not successfully completed this course. This requirement shall not be applicable as a graduation requirement for a high school pupil who has enlisted or been inducted into military service.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

\*\*\*\*\* 380.1166.amended *THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017* \*\*\*\*\*

**380.1166.amended Constitution and government; civics; mandatory courses; commencement of instruction; exception; revision of state curriculum content standards for high school social studies; definition.**

Sec. 1166. (1) In all public and nonpublic schools in this state regular courses of instruction shall be given in the constitution of the United States, in the constitution of Michigan, and in the history and present form of government of the United States, Michigan, and its political subdivisions. Instruction shall begin not later than the opening of the eighth grade, or its equivalent, except in schools maintaining a junior high school, in which case it may begin in the ninth grade.

(2) A high school in this state shall require a 1-semester course of study of 5 periods per week in civics. The course shall include the form and functions of the federal, state, and local governments and shall stress the rights and responsibilities of citizens. A diploma shall not be issued by a high school to a pupil who has not successfully completed this course. This course requirement is not a graduation requirement for a high school pupil who has enlisted or been inducted into military service.

(3) By not later than May 1, 2018 or the next update of the state curriculum content standards after the effective date of this subsection, whichever occurs first, the state board shall revise the state curriculum content standards for high school social studies to ensure that those content standards cover the same content as covered by the 100 questions on the civics portion of the naturalization test used by the United States Citizenship and Immigration Services as of December 1, 2016.

(4) Beginning with the first state high school social studies assessment administered after the state academic curriculum content standards are revised as required under subsection (3), the superintendent of public instruction shall ensure that the high school social studies assessment includes questions related to the learning objectives in the state curriculum standards for high school social studies as revised under subsection (3).

(5) As used in this section, "state curriculum content standards" means the state board recommended model curriculum content standards developed and periodically updated under section 1278.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2016, Act 391, Eff. Mar. 29, 2017.

**Popular name:** Act 451

**380.1167, 380.1168 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to dispute management, resolution, and consumer economics.

**Popular name:** Act 451

**380.1168 Social studies curriculum; inclusion of age- and grade-appropriate instruction about genocide; governor's council on genocide and Holocaust education; creation; members; appointment; vacancy; removal; meetings; election of chairperson and other officers; quorum; conduct of business at public meeting; writing subject to freedom of information act; expenses; use of state funds; duties; advisory body; definitions.**

Sec. 1168. (1) Beginning in the 2016-2017 school year, the board of a school district or board of directors of a public school academy shall ensure that the school district's or public school academy's social studies curriculum for grades 8 to 12 includes age- and grade-appropriate instruction about genocide, including, but not limited to, the Holocaust and the Armenian Genocide. The legislature recommends a combined total of 6 hours of this instruction during grades 8 to 12.

(2) Subsection (1) does not preclude a school district or public school academy from including instruction described in subsection (1) in other subject areas.

(3) The governor's council on genocide and Holocaust education is created as a temporary commission described in section 4 of article V of the state constitution of 1963.

(4) The governor's council on genocide and Holocaust education shall consist of 15 members appointed by the governor. Members shall be individuals who have a particular interest or expertise in genocide education or Holocaust education, or both.

(5) If the governor determines that sufficient private funding is available for the operations of the

governor's council on genocide and Holocaust education, the governor shall appoint the members of the governor's council on genocide and Holocaust education within 60 days after the effective date of this section.

(6) If a vacancy occurs on the governor's council on genocide and Holocaust education, the governor shall make an appointment for the unexpired term in the same manner as the original appointment.

(7) The governor may remove a member of the governor's council on genocide and Holocaust education for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(8) The first meeting of the governor's council on genocide and Holocaust education shall be called by the governor. At the first meeting, the governor's council on genocide and Holocaust education shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the governor's council on genocide and Holocaust education shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 8 or more members.

(9) A majority of the members of the governor's council on genocide and Holocaust education appointed and serving constitute a quorum for the transaction of business at a meeting of the council. A majority of the members present and serving are required for official action of the council. A member may not vote by proxy.

(10) The business that the governor's council on genocide and Holocaust education may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(11) A writing prepared, owned, used, in the possession of, or retained by the governor's council on genocide and Holocaust education in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(12) Members of the governor's council on genocide and Holocaust education shall serve without compensation. However, if funding is available for this purpose from private sources, members of the council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the council.

(13) State funds shall not be used for the operations of the governor's council on genocide and Holocaust education.

(14) The governor's council on genocide and Holocaust education shall do all of the following:

(a) Identify, to the extent possible, all sources of strategies and content for providing and enhancing genocide education to students.

(b) Advise the superintendent of public instruction, school districts, public school academies, and nonpublic schools in this state on strategies and content for providing and enhancing genocide education to students.

(c) Identify, to the extent possible, all programs and resources to train teachers in providing genocide education to students and share these programs and resources with the superintendent of public instruction, school districts, public school academies, and nonpublic schools in this state.

(d) Promote, within the schools and general population of this state, implementation of genocide education. This duty includes, but is not limited to, all of the following:

(i) In accordance with 2004 PA 10, engendering and coordinating events, activities, and education that will appropriately memorialize the victims of the Holocaust, such as observance of Holocaust Remembrance Day and the Days of Remembrance.

(ii) In accordance with 2002 PA 558, engendering and coordinating events, activities, and education that will appropriately memorialize the victims of the Armenian Genocide, such as observance of the Michigan Days of Remembrance of the Armenian Genocide.

(iii) Engendering and coordinating events, activities, and education that will appropriately memorialize the victims of other genocides.

(e) Secure private funding for the governor's council on genocide and Holocaust education. The governor's council on genocide and Holocaust education may also apply for and accept grants and receive gifts, donations, and other financial support from private sources, in accordance with state law, for the purpose of carrying out its duties under this section.

(f) Carry out any other tasks that it considers to be advisable to support the ability of this state to meet its goals in providing genocide education.

(g) Submit an annual report to the legislature on the progress and status of the council.

(15) With respect to its duties, the governor's council on genocide and Holocaust education is an advisory body only. There is no right or obligation on the part of this state or its subdivisions, officials, or employees to implement the findings or recommendations of the governor's council on genocide and Holocaust education unless further legislation is enacted that specifically authorizes implementation of those findings or recommendations.

(16) As used in this section:

(a) "Armenian Genocide" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 1,500,000 Armenians by the Ottoman Turkish Empire and its collaborators.

(b) "Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

(c) "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jews and 5,000,000 other individuals by the Nazi regime and its collaborators.

**History:** Add. 2016, Act 170, Imd. Eff. June 14, 2016.

**Popular name:** Act 451

### **380.1169 Dangerous communicable diseases; human immunodeficiency virus infection and acquired immunodeficiency virus infection; teacher training; teaching materials; curricula; teaching of abstinence from sex.**

Sec. 1169. (1) The principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for the restriction and prevention of these diseases shall be taught in every public school in this state. Subject to subsection (3) and section 1507b, the teaching under this section shall stress that abstinence from sex is a responsible and effective method for restriction and prevention of these diseases and is a positive lifestyle for unmarried young people.

(2) Except for licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome, each person who teaches K to 12 pupils about human immunodeficiency virus infection and acquired immunodeficiency syndrome pursuant to subsection (1) shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. The superintendent of public instruction, in cooperation with the department of public health, shall train trainers to provide the teacher training required by this subsection and shall provide for the development and distribution to school districts of medically accurate material on the teaching of human immunodeficiency virus infection and acquired immunodeficiency syndrome to young people.

(3) The choice of curricula to be used for human immunodeficiency virus infection and acquired immunodeficiency syndrome education required to be taught under subsection (1) shall be approved by the appropriate school board and implemented in the school setting not later than October 1, 1990. Before adopting any revisions to the curriculum implemented under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a responsible method for restriction and prevention of disease, a school board shall hold at least 2 public hearings on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1507.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1987, Act 185, Imd. Eff. Nov. 30, 1987;—Am. 1990, Act 139, Imd. Eff. June 26, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 2004, Act 165, Imd. Eff. June 24, 2004.

**Popular name:** Act 451

### **380.1170 Physiology and hygiene; instruction; development of comprehensive health education programs; conflict with religious beliefs.**

Sec. 1170. (1) Instruction shall be given in physiology and hygiene, with special reference to substance abuse, including the abusive use of tobacco, alcohol, and drugs, and their effect upon the human system.

(2) Comprehensive health education programs shall be developed as prescribed by Act No. 226 of the Public Acts of 1969, being sections 388.381 to 388.385 of the Michigan Compiled Laws.

(3) A child upon the written statement of parent or guardian that instruction in the characteristics or symptoms of disease is in conflict with his or her sincerely held religious beliefs shall be excused from attending classes where such instruction is being given and no penalties as to credit or graduation shall result therefrom.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

\*\*\*\*\* 380.1170a.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*



**380.1170a.added Model core academic curriculum content standards for health education; subject area content expectations and guidelines for health education; instruction in cardiopulmonary resuscitation and automated external defibrillators; individuals providing instruction; use of local resources; exemption; definitions.**

Sec. 1170a. (1) By not later than the 2017-2018 school year, the department shall ensure that the model core academic curriculum content standards for health education and the subject area content expectations and guidelines for health education under section 1278a provide for all of the following:

(a) Instruction in cardiopulmonary resuscitation for pupils enrolled in grades 7 to 12. Subject to subsection (5), the content standards and subject area content expectations shall ensure that the psychomotor skills necessary to perform cardiopulmonary resuscitation are incorporated into the instruction and that the instruction is based on either of the following:

(i) An instructional program developed by the American Red Cross or the American Heart Association.

(ii) Nationally recognized, evidence-based guidelines for cardiopulmonary resuscitation.

(b) Instruction about automated external defibrillators for pupils enrolled in grades 7 to 12.

(2) The content standards or subject area content expectations and guidelines under subsection (1) shall not require a certificated teacher to be an authorized CPR/AED instructor to facilitate, provide, or oversee instruction described in subsection (1)(a) if that instruction does not result in a pupil earning a CPR certification card or status.

(3) If instruction described in subsection (1)(a) will result in a pupil earning a CPR certification card or status, that instruction must be taught by an authorized CPR/AED instructor, as applicable.

(4) School districts, public school academies, and nonpublic schools are encouraged to use locally available resources to provide the instruction required to meet the content standards or subject area content expectations and guidelines under subsection (1), including, but not limited to, emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or American Red Cross, or properly trained teachers or other school employees.

(5) The content standards and subject area content expectations and guidelines required under subsection (1) shall provide that a school or program that provides 100% online instruction is exempt from having to incorporate psychomotor skills into the instruction under this section.

(6) As used in this section:

(a) "Authorized CPR/AED instructor" means an instructor who is authorized by the American Heart Association, American Red Cross, or a similar nationally recognized association to provide instruction in cardiopulmonary resuscitation that results in the issuance of a CPR certification card or status.

(b) "CPR certification card or status" means a card or other credential evidencing successful completion of instruction in cardiopulmonary resuscitation that is issued by the American Heart Association, American Red Cross, or a similar nationally recognized organization using evidence-based guidelines for the teaching of cardiopulmonary resuscitation.

**History:** Add. 2016, Act 388, Eff. Mar. 29, 2017.

**Popular name:** Act 451

**380.1171 Suicide prevention and awareness; instruction and professional development; availability of model programs and materials to school districts and public school academies; notice to parents; cause of action or legal duty not created; section known as "Chase Edwards law."**

Sec. 1171. (1) The board of a school district or board of directors of a public school academy is encouraged to provide age-appropriate instruction for pupils and professional development for school personnel concerning the warning signs and risk factors for suicide and depression and the protective factors that help prevent suicide. The instruction and professional development shall be designed to achieve the following goals:

(a) To prevent both fatal and nonfatal suicide behaviors among youth.

(b) To increase pupil awareness of the warning signs and risk factors for suicide and depression.

(c) To improve access to appropriate prevention services for vulnerable youth groups.

(2) The board of a school district or board of directors of a public school academy is encouraged to work with school personnel and local or state organizations and resources specializing in suicide prevention and awareness.

(3) The department shall develop or select model programs and materials on suicide prevention and awareness that are appropriate for the purposes of this section, such as the Michigan model for comprehensive school health education, and shall make those model programs and materials available to school districts and

public school academies.

(4) If a school district or public school academy provides instruction described in subsection (1), the board of the school district or board of directors of the public school academy shall notify the parents of all pupils of each school in which the instruction is provided about the instruction using the communication method the school district or public school academy normally uses for regular communications with parents.

(5) Failure of a school district or public school academy to comply with subsection (4) does not create a cause of action or constitute a breach of any legal duty in a civil action.

(6) This section shall be known as the "Chase Edwards law".

**History:** Add. 2006, Act 324, Imd. Eff. July 20, 2006.

**Compiler's note:** Former MCL 380.1171, which pertained to instruction on animals and birds, was repealed by Act 289 of 1995, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1171a Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to development of nature study area.

**Popular name:** Act 451

### **380.1172 Personality tests; promulgation and scope of rules.**

Sec. 1172. (1) The state board shall promulgate rules concerning personality tests, both projective and nonprojective types, administered to pupils in school districts of the state as school projects or as parts of the school programs.

(2) The rules shall include:

- (a) Circumstances under which the tests may be administered.
- (b) Responsibility for selection of the tests.
- (c) Qualifications of persons administering and interpreting the test results.
- (d) Methods of maintaining the confidentiality of test results.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**Administrative rules:** R 340.1101 et seq. of the Michigan Administrative Code.

### **380.1173-380.1174a Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to selection of social studies materials; guidelines pertaining to culture of ethnic, religious, and racial minorities, and to the contributions of women; and curriculum for multicultural education.

**Popular name:** Act 451

### **380.1175 Public holidays; salaries not affected; commemorative exercises.**

Sec. 1175. (1) January 1, New Year's day; the last Monday of May, Memorial or Decoration day; July 4; the first Monday in September, Labor day; the fourth Thursday of November, Thanksgiving day, and December 25, Christmas day, shall be public holidays in the public schools of this state. If 1 of these days falls on Sunday, the Monday following shall be a public holiday in the public schools. A school session shall not be held on the public holidays described in this subsection in a public school in this state. The salary of a school officer or a teacher shall not be affected by reason of the dismissal of school on the days described in this subsection.

(2) On the third Monday in January in conjunction with the federal holiday, Martin Luther King, Jr. day; February 12, Lincoln's birthday; the third Monday of February, Washington's birthday; September 17, the date of the adoption of the federal constitution; the second Monday in October, Columbus day; and November 11, Veteran's day, a school officer or teacher shall have each school under the officer's or teacher's control observe the day by a proper and appropriate commemorative exercise. A commemorative exercise may include or involve the assignment of schoolwork to teach the significance of the days described in this subsection, which shall not be considered as legal holidays for schools.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1984, Act 389, Eff. Mar. 29, 1985;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1176 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to adoption of certain act provisions by local district.

**Popular name:** Act 451

### **380.1177 Immunization statements; vision screening test; immunization status and vision report; rules.**

Sec. 1177. (1) A child enrolling in a public or nonpublic school for the first time or, beginning in the 2014-2015 school year, enrolling in grade 7 for the first time shall submit 1 of the following:

(a) A statement signed by a physician that the child has been tested for and immunized or protected against diseases specified by the director of the department of community health.

(b) A statement signed by a parent or guardian to the effect that the child has not been immunized because of religious convictions or other objection to immunization.

(c) A statement signed by a physician that certifies that the child is in the process of complying with all immunization requirements.

(2) In addition, the parent or guardian of each child enrolling in kindergarten for the first time shall submit a statement signed by a district, county, or city health department director stating that the child has been administered the department of community health preschool vision screening test, or signed by a licensed medical or osteopathic physician or a licensed optometrist stating that the child's eyes have been examined during the preschool years after age 3 and before initial entrance. A vision test is not required if there is a statement signed by a parent or guardian to the effect that the child cannot be submitted to the test because of religious convictions.

(3) Not later than November 1 of each year, the administrator of each school shall provide the director of the department of community health with the immunization status of each pupil in grades K through 12 who enrolled in the school for the first time, or, beginning in the 2014-2015 school year, enrolled in grade 7 in the school for the first time, between the immediately preceding January 1 and the immediately preceding September 30, as well as a vision report of each child entering kindergarten during that time period. This information shall be transmitted through the approved local full-time health department, if available, and shall be on forms provided by the director of community health or otherwise reported in a manner approved by the director of the department of community health. Not later than February 1 of each year, the administrator of each school shall provide an update to the report due the previous November 1 to show the immunization status of each pupil in grades K through 12 who enrolled in the school for the first time, or, beginning in the 2014-2015 school year, enrolled in grade 7 in the school for the first time, during the calendar year ending the immediately preceding December 31. This information shall be transmitted in the same manner as the report due the previous November 1.

(4) The department of community health shall promulgate rules, including rules identifying the diseases specified under subsection (1)(a), for the implementation of this section.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1996, Act 399, Imd. Eff. Oct. 11, 1996;—Am. 2000, Act 91, Imd. Eff. May 1, 2000;—Am. 2013, Act 121, Imd. Eff. Oct. 1, 2013.

**Compiler's note:** Enacting section 1 of Act 121 of 2013 provides:  
"Enacting section 1. This amendatory act takes effect July 1, 2013."

**Popular name:** Act 451

**Administrative rules:** R 325.3501 et seq. of the Michigan Administrative Code.

### **380.1177a Meningococcal meningitis; human papillomavirus; vaccines; information to be provided to parents and guardians.**

Sec. 1177a. (1) If, at the beginning of a school year, the board of a school district or board of directors of a public school academy provides information on immunizations, infectious disease, medications, or other school health issues to parents and guardians of pupils in at least grades 6, 9, and 12, then with that information the board or board of directors shall include information about meningococcal meningitis and the vaccine for meningococcal meningitis. The information shall include at least the causes and symptoms of meningococcal meningitis, how it is spread, and sources where parents and guardians may obtain additional information about meningococcal meningitis and may obtain vaccination of a child against meningococcal meningitis.

(2) If, at the beginning of a school year, the board of a school district or board of directors of a public school academy provides information on immunizations, infectious disease, medications, or other school health issues to parents and guardians of pupils in at least grades 6, 9, and 12, then with that information the board or board of directors shall include information about human papillomavirus and the vaccine for human papillomavirus. The information shall include at least the risks associated with human papillomavirus; the availability, effectiveness, and potential risks of immunization for human papillomavirus; and sources where parents and guardians may obtain additional information about human papillomavirus and may obtain vaccination of a child against human papillomavirus.

(3) The department, in cooperation with the department of community health, shall develop and make available to school districts, public school academies, and nonpublic schools information that meets the requirements of subsections (1) and (2). The department shall do this in the manner the department determines to be the most cost-effective and programmatically effective, which shall include at least posting the information on its website.

**History:** Add. 2005, Act 240, Imd. Eff. Nov. 22, 2005;—Am. 2008, Act 121, Imd. Eff. May 9, 2008.

**Popular name:** Act 451

\*\*\*\*\* 380.1178 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 380.1178.amended \*\*\*\*\*

**380.1178 Administration of medication or epinephrine auto-injector to pupil; liability; school employee as licensed registered professional nurse.**

Sec. 1178. (1) Subject to subsection (2), a school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life or health of the pupil, pursuant to written permission of the pupil's parent or guardian, and in compliance with the instructions of a physician, physician's assistant, or certified nurse practitioner, or a school employee who in good faith administers an epinephrine auto-injector to an individual consistent with the policies under section 1179a, is not liable in a criminal action or for civil damages as a result of an act or omission in the administration of the medication or epinephrine auto-injector, except for an act or omission amounting to gross negligence or willful and wanton misconduct.

(2) If a school employee is a licensed registered professional nurse, subsection (1) applies to that school employee regardless of whether the medication or epinephrine auto-injector is administered in the presence of another adult.

(3) A school district, nonpublic school, member of a school board, or director or officer of a nonpublic school is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a person acting under this section.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 431, Imd. Eff. Oct. 5, 1978;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 9, Imd. Eff. Mar. 7, 2000;—Am. 2006, Act 48, Imd. Eff. Mar. 9, 2006;—Am. 2013, Act 187, Eff. Mar. 14, 2014.

**Popular name:** Act 451

\*\*\*\*\* 380.1178.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

**380.1178.amended Administration of medication, epinephrine auto-injector, or opioid antagonist to pupil or individual; liability; school employee as licensed registered professional nurse.**

Sec. 1178. (1) Subject to subsection (2), a school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life or health of the pupil, pursuant to written permission of the pupil's parent or guardian, and in compliance with the instructions of a physician, physician's assistant, or certified nurse practitioner, or a school employee who in good faith administers an epinephrine auto-injector to an individual consistent with the policies under section 1179a or in good faith administers an opioid antagonist to an individual consistent with the policies under section 1179b, is not liable in a criminal action or for civil damages as a result of an act or omission in the administration of the medication, epinephrine auto-injector, or opioid antagonist, except for an act or omission amounting to gross negligence or willful and wanton misconduct.

(2) If a school employee is a licensed registered professional nurse, subsection (1) applies to that school employee regardless of whether the medication, epinephrine auto-injector, or opioid antagonist is administered in the presence of another adult.

(3) A school district, nonpublic school, member of a school board, or director or officer of a nonpublic school is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a person acting under this section.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 431, Imd. Eff. Oct. 5, 1978;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 9, Imd. Eff. Mar. 7, 2000;—Am. 2006, Act 48, Imd. Eff. Mar. 9, 2006;—Am. 2013, Act 187, Eff. Mar. 14, 2014;—Am. 2016, Act 385, Eff. Mar. 29, 2017.

**Popular name:** Act 451

### **380.1178a Administration of medications; duties of department.**

Sec. 1178a. (1) Not later than October 1, 2002, the department shall do all of the following:

(a) Review all guidelines, policies, or other publications produced by the department or another state agency concerning administration of medications to pupils at school and revise them as necessary.

(b) Make available to all school districts, intermediate school districts, and public school academies a model local policy concerning administration of medications to pupils at school.

(2) The model local policy developed under subsection (1) shall address the type and amount of training that may be required for persons who participate in administering medications to pupils at school. In developing this part of the policy, the department may consider training programs offered by the Michigan association of school nurses and by other public health organizations.

(3) Not later than 1 year after the effective date of this section, each school board, intermediate school board, and public school academy board of directors shall review its local policy concerning administration of medications to pupils at school. This review shall take place at a public meeting.

(4) School boards, intermediate school boards, and public school academy boards of directors are encouraged to align their local policies with the model policy developed under subsection (1) and are encouraged to provide appropriate training to persons who participate in administering medications to pupils at school.

**History:** Add. 2002, Act 51, Imd. Eff. Mar. 15, 2002.

**Popular name:** Act 451

### **380.1179 Use of inhaler or epinephrine auto-injector permitted; conditions; liability; extra inhaler or epinephrine auto-injector; notice to classroom teachers; definitions.**

Sec. 1179. (1) If the conditions prescribed in subsection (2) are met, notwithstanding any school or school district policy to the contrary, a pupil of a public school or nonpublic school may possess and use 1 or more of the following at school, on school-sponsored transportation, or at any activity, event, or program sponsored by or in which the pupil's school is participating:

(a) A metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms or for use before exercise to prevent the onset of asthmatic symptoms.

(b) An epinephrine auto-injector or epinephrine inhaler to treat anaphylaxis.

(2) Subsection (1) applies to a pupil if all of the following conditions are met:

(a) The pupil has written approval to possess and use the inhaler or epinephrine auto-injector as described in subsection (1) from the pupil's physician or other health care provider authorized by law to prescribe an inhaler or epinephrine auto-injector and, if the pupil is a minor, from the pupil's parent or legal guardian.

(b) The principal or other chief administrator of the pupil's school has received a copy of each written approval required under subdivision (a) for the pupil.

(c) There is on file at the pupil's school a written emergency care plan that contains specific instructions for the pupil's needs, that is prepared by a physician licensed in this state in collaboration with the pupil and the pupil's parent or legal guardian, and that is updated as necessary for changing circumstances.

(3) A school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a pupil being prohibited by an employee of the school or school district from using an inhaler or epinephrine auto-injector because of the employee's reasonable belief formed after a reasonable and ordinary inquiry that the conditions prescribed in subsection (2) had not been satisfied. A school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a pupil being permitted by an employee of the school or school district to use or possess an inhaler or epinephrine auto-injector because of the employee's reasonable belief formed after a reasonable and ordinary inquiry that the conditions prescribed in subsection (2) had been satisfied. This subsection does not eliminate, limit, or reduce any other immunity or defense that a school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school may have under section 1178 or other state law.

(4) As part of its general powers, a school district may request a pupil's parent or legal guardian to provide an extra inhaler or epinephrine auto-injector to designated school personnel for use in case of emergency. A parent or legal guardian is not required to provide an extra inhaler or epinephrine auto-injector to school personnel.

(5) A principal or other chief administrator who is aware that a pupil is in possession of an inhaler or epinephrine auto-injector pursuant to this section shall notify each of the pupil's classroom teachers of that



fact and of the provisions of this section.

(6) As used in this section and in section 1179a:

(a) "School board" includes a school board, intermediate school board, or the board of directors of a public school academy.

(b) "School district" includes a school district, intermediate school district, or public school academy.

**History:** Add. 2000, Act 10, Imd. Eff. Mar. 7, 2000;—Am. 2004, Act 73, Imd. Eff. Apr. 20, 2004;—Am. 2013, Act 187, Eff. Mar. 14, 2014.

**Popular name:** Act 451

**380.1179a Employees trained in use and administration of epinephrine auto-injector; requirements; development and implementation of policies by school board; identification, development, and adoption of revisions to department medication administration guidelines; report; alternative funding.**

Sec. 1179a. (1) Beginning with the 2014-2015 school year, a school board shall ensure that, in each school it operates with an instructional and administrative staff of at least 10, there are at least 2 employees at the school who have been trained in the appropriate use and administration of an epinephrine auto-injector and that, in each school it operates with an instructional and administrative staff of fewer than 10, there is at least 1 employee at the school who has been trained in the appropriate use and administration of an epinephrine auto-injector. The training required under this subsection shall be conducted under the supervision of, and shall include evaluation by, a licensed registered professional nurse.

(2) Not later than the beginning of the 2014-2015 school year, a school board shall develop and implement policies that are consistent with the department's medication administration guidelines, as revised under subsection (4), and that provide for the possession of at least 2 epinephrine auto-injectors in each school operated by the school board to be used for administration by a licensed registered professional nurse who is employed or contracted by the school district or by a school employee who is trained in the administration of an epinephrine auto-injector under subsection (1) and is authorized to administer an epinephrine auto-injector under the policies. The policies shall authorize a licensed registered professional nurse who is employed or contracted by the school district or a school employee who is trained in the administration of an epinephrine auto-injector under subsection (1) to administer an epinephrine auto-injector to a pupil who has a prescription on file at the school. The policies also shall authorize a licensed registered professional nurse who is employed or contracted by the school district or a school employee who is trained in the administration of an epinephrine auto-injector under subsection (1) to administer an epinephrine auto-injector to any other individual on school grounds who is believed to be having an anaphylactic reaction. The policies also shall require notification to the parent or legal guardian of a pupil to whom an epinephrine auto-injector has been administered.

(3) A licensed registered professional nurse who is employed or contracted by the school district or a school employee who is trained in the administration of an epinephrine auto-injector under subsection (1) may possess and administer an epinephrine auto-injector.

(4) The department, in conjunction with the department of community health and with input from the Michigan association of school nurses, the Michigan nurses association, the Michigan parent teacher association, the American college of allergy, asthma, and immunology, the Michigan chapter of the American academy of pediatrics, the school-community health alliance of Michigan, and other school health organizations and entities, shall identify, develop, and adopt appropriate revisions to the medication administration guidelines issued by the department, including, but not limited to, those relating to the specification of training needs and requirements for the administration and maintenance of stock epinephrine auto-injectors, including stocking of both junior and regular dose epinephrine auto-injectors, as necessary, and storage requirements.

(5) At least annually, a school district shall report to the department, in the form and manner prescribed by the department, all instances of administration of an epinephrine auto-injector to a pupil at school. The reporting shall include at least all of the following:

(a) The number of instances of administration of an epinephrine auto-injector to a pupil at school in a school year.

(b) The number of pupils who were administered an epinephrine auto-injector at school who were not previously known to be severely allergic.

(c) The number of pupils who were administered an epinephrine auto-injector at school using the school's stock of epinephrine auto-injectors.

(6) A school board shall attempt to obtain funding or resources from private sources, or from another source other than this state, for fulfilling the requirements of this section. If a school board is unable to obtain

this alternative funding for all or part of its costs of complying with this section, the school board may apply to the department for reimbursement for the unfunded costs of complying with this section, in the form and manner prescribed by the department. The legislature shall appropriate funds for making this reimbursement. The department shall make the reimbursement according to the appropriation that is made for this purpose. The department annually shall submit a report to the legislature detailing the number of school boards that apply for reimbursement and the number of school boards that are able to secure alternative funding.

**History:** Add. 2013, Act 187, Eff. Mar. 14, 2014.

**Popular name:** Act 451

\*\*\*\*\* 380.1179b.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

**380.1179b.added Employees to be trained in use and administration of opioid antagonist; requirement; policy; revisions to medication administration guidelines; report; definitions.**

Sec. 1179b. (1) Subject to this section, beginning with the 2017-2018 school year, a school board may require that, in each school it operates, there are not fewer than 2 employees at the school who have been trained in the appropriate use and administration of an opioid antagonist. A school board that requires an employee to be trained under this subsection shall ensure that the training has been approved by a licensed registered professional nurse.

(2) A school board that requires an employee to be trained in the use and administration of an opioid antagonist under subsection (1) shall, not later than the beginning of the 2017-2018 school year, develop and implement a policy that does all of the following:

(a) Is consistent with the department's medication administration guidelines, as revised under subsection (4).

(b) Provides for the possession of not fewer than 1 package of an opioid antagonist in each school operated by the school board to be used for administration by a licensed registered professional nurse who is employed or contracted by the school district or by a school employee who is trained in the administration of an opioid antagonist under subsection (1) and is authorized to administer an opioid antagonist under the policy.

(c) Authorizes a licensed registered professional nurse who is employed or contracted by the school district or a school employee who is trained in the administration of an opioid antagonist under subsection (1) to administer an opioid antagonist to a pupil or other individual on school grounds who is believed to be having an opioid-related overdose.

(d) Requires school personnel to notify the parent or legal guardian of a pupil to whom an opioid antagonist has been administered. The policy shall also require school personnel to, when notifying the parent or legal guardian, encourage the parent or legal guardian to seek treatment for the pupil from a substance use disorder services program licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

(e) Requires school personnel to call 9-1-1 if a pupil is believed to be having an opioid-related overdose.

(3) A licensed registered professional nurse who is employed or contracted by the school district or a school employee who is trained in the administration of an opioid antagonist under subsection (1) may possess and administer an opioid antagonist.

(4) The department, in conjunction with the department of health and human services and with input from the Michigan Association of School Nurses, the Michigan Nurses Association, the Michigan Parent Teacher Association, the Michigan chapter of the American Academy of Pediatrics, the School-Community Health Alliance of Michigan, and other school health organizations and entities, shall identify, develop, and adopt appropriate revisions to the medication administration guidelines issued by the department, including, but not limited to, those relating to the specification of training needs and requirements for the administration and maintenance of stock opioid antagonists and storage requirements.

(5) At least annually, a school district shall report to the department, in the form and manner prescribed by the department, all instances of administration of an opioid antagonist to a pupil at school. The reporting shall include, but is not limited to, the number of pupils who were administered an opioid antagonist at school using the school's stock of opioid antagonists.

(6) As used in this section:

(a) "School board" includes a school board, intermediate school board, or the board of directors of a public school academy.

(b) "School district" includes a school district, intermediate school district, or public school academy.

**History:** Add. 2016, Act 385, Eff. Mar. 29, 2017.

**Popular name:** Act 451

**380.1186 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to homes for superintendent, administrators and teachers.

**Popular name:** Act 451